

Application No.: 09/505,913
Amendment dated: August 4, 2005
Reply to Office Action of: March 4, 2005

REMARKS

This amendment is responsive to the Office Action dated March 4, 2005. Claims 16-141 were pending in this application, of which claims 112-141 are withdrawn from consideration. Claims 16-111 stand rejected by the Examiner. In view of the above amendments and the arguments urged below, reconsideration of this application is respectfully requested.

In paragraph 2, the Examiner rejected claims 16-43 under 35 U.S.C. Section 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner cites to the recitation *"utilizing the request data entered by the active buyer to locate a select vendor from a plurality of vendors identified to the control system, the control system upon locating the select vendor providing audio, dynamic video and text from at least said select vendor to said active buyer responsive to said commercial transaction data."*

In indicating that there is no support for this recitation, the Examiner points to examples in the specification that indicate that *"a video presentation is provided by an interested vendor who has responded to a request for proposal distributed from a buyer (page 43, lines 4-25).* Therefore the Examiner concludes that the select vendor is merely the particular vendor who has responded to a buyer request, not a vendor identified by the control system. Apparently, the Examiner finds no description of the video presentation being provided by a vendor selected by the control system in response to the commercial transaction data provided by the buyer.

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Furthermore, in paragraph 6 of the office action, the Examiner disagrees with Applicant's position that the specification does provide support for the control system functions of locating a select vendor, providing audio, dynamic video and text from the vendor to the active buyer. The Examiner indicates that pages 39-40 describe a vendor who calls the system in order to prepare a video presentation for a particular product, which is identified by a merchandise code. Page 41 describes storing the video presentation in a file server and isolating all buyers associated with the particular product in order to notify the select buyers as to the availability of the video presentation. The Examiner adamantly contends that "[t]here is no description of locating a select vendor. Rather, it is the buyers who are selected by the system, not the vendor."

Applicant does not dispute that the specification provides examples of where a vendor can seek buyers (see pages 4 and 5) nor does he disagree that the select portions of the specification to which the Examiner points perhaps support that example. However, Applicant also believes that the Examiner is simply ignoring other locations in the specification that VERY CLEARLY describe situations where a buyer can solicit proposals from a vendor (see page 5 of the specification).

"[s]imilarly, in situations where a buyer wishes to solicit proposals from vendors for a particular item, the same practice prevails."

Further, on pages 6 and on of the specification, note the following description:

"The central traffic control system schedules appointments and routes offers and responses to and from select members of plural groups, such as buyers and vendors, to

expedite traditionally complex purchasing operations.

Routing of offers and responses may also take place between members of sub-groups of plural groups. Calls may be classified into types, for example, a vendor with a special offering, a buyer responding to a special offering, a buyer soliciting proposals.....”

At page 8, the specification indicates the following:

“Likewise, buyers may wish to solicit proposals for a particular item from vendors qualified for designated merchandise.”

At page 12, the specification indicates the following:

“Likewise, buyer requests for proposals on select merchandise are transmitted only to vendors designated to sell the merchandise.”

At page 18, the specification indicates the following:

“To ensure effective and proper directing and exchange of traffic, for example, special offers by vendors and responses thereto by buyers, requests for proposals from buyers and responses thereto by vendors, or the like, merchandise codes that apply to each wholesale vendor and wholesale buyer are recorded. The merchandise codes, discussed in more detail below,

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*regulate communication and avoid information
overload, as by providing an indication of the type of
products that each particular vendor or buyer is
authorized to sell or buy.”*

Respectfully, Applicant urges the Examiner to reconsider her rejection under 35 U.S.C. Section 112 in view of the above arguments. Nevertheless, Applicant has amended claim 16 to recite the exact description in the specification that the buyer seeks a proposal from a vendor. Clearly, the traffic control system, which directs the exchange of communication between the buyer and the vendor must locate the vendor so as to route the proposal from the buyer to the vendor and to provide the buyer with the proposal from the vendor.

In paragraph 4 of the office action, the Examiner rejected claims 16-42, 45-72, 75-105 and 108-111 under 35 U.S.C. Section 103(a) as being unpatentable over Shavit et al. (U.S. Patent No. 4,799,156) in view of Smith (U.S. Patent No. 5,450,123) and further in view of Filepp et al. (U.S. Patent No. 5,347,632). Moreover, in paragraph 5 of the office action, the Examiner rejected claims 43-44, 73-74, and 106-107 under 35 U.S.C. Section 103(a) as being unpatentable over Shavit, Smith and Filepp, as applied to claims 16, 45, and 77 above, and further in view of Donald et al. (U.S. Patent No. 5,053,956). Applicant notes that the Examiner is combining the asserted references because they are arguably directed the “same field of endeavor,” that being, commercial transaction communication between a buyer and a vendor. Also, it is noted that the Examiner reads the buyer’s “request for quotation for desired product (col. 25, lns. 28-50) as “commercial transaction data.” Respectfully, Applicant yet again submits that there is no recognition in the primary reference Shavit of the voids that are filled by the secondary references. Accordingly, Shavit does not suggest the motivation for combining it with the secondary references. Nevertheless, to expedite allowance of this application, Applicant is presenting the independent claims in amended form for the Examiner’s continued consideration.

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Favorable consideration and allowance of the claims pending here is respectfully requested.

Respectfully submitted,

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